IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6404 of 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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PH PARMAR - Petitioner(s)
Versus
STATE OF GUJARAT & 15 - Respondent(s)

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Appearance :
MR GAURANG H BHATT for Petitioner(s) : 1,
Ms. Maithily Mehta, AGP for Respondent(s) : 1 - 2.
NOTICE SERVED BY DS for Respondent(s) : 3 - 16.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH
Date : 27/09/2006

ORAL JUDGMENT

Present Special Civil Application was filed by the petitioner under Article 226 of the Constitution of India challenging the order passed by the Gujarat Civil Services Tribunal

[“the Tribunal” for short] in not granting the interim relief against reversion of the petitioner from the post of Deputy Mamlatdar to the lower post of Circle Inspector.

2. During the pendency of Appeal No. 298 of 1996, the present Special Civil Application came to be admitted by the learned Single Judge of this Court and this Court by order dated 27.8.1996 while granting ad-interim relief, restrained the respondents from reverting the petitioner till the interim relief against reversion granted to Deputy Mamlatdars, junior to the petitioners are vacated. In view of the above, and considering the fact that the present petition was filed against the interlocutory order passed by the Tribunal refusing to grant interim relief during the pendency of the present petition and the present petitioner was protected by the ad-interim order, without entering into the merits of the case, the order dated

27.8.1996, of ad-interim relief granted by this Court, is directed to continue till final disposal of Appeal No. 298 of 1996 by the said Tribunal at Gandhinagar. If the aforesaid appeal is pending for final disposal by the Tribunal, then the Tribunal is directed to decide and dispose of the same within the period of 6 months from the date of receipt of this order. However, it is made clear that this Court has not expressed any opinion in favour of any of the parties on merits. The aforesaid protection shall continue till final disposal of the aforesaid Appeal, and if the appeal is already disposed of, then the present order will not operate. With these, the present petition is disposed of. Rule is made absolute to the aforesaid extent. No order as to costs.

[M.R. Shah, J.]

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